IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

Bail Appl..No. 3161 of 2007()

C.R.NO.20/07 OF KASARAGOD EXCISE RANGE

PETITIONER : ACCUSED

N.DINESAN, S/O.PARAMESHWARAN
NELLIKKUNNU, KASARAGODE VILLAGE

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT/STATE

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1. THE RANGE OFFICER
KASARAGODE EXCISE RANGE

2. STTE REP: BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 3161 OF 2007 A

Dated this the 11th day of June, 2007

O R D E R

Petitioner, who is the accused in C.R. No.20/2007 of Kasaragod Excise Range for an offence punishable under Sec.55(a) of the Abkari Act for allegedly having been found in possession of 20 liters of illicit arrack in 200 packets on 10.4.2007 and who was arrested on the same day, seeks his enlargement on bail.

2. Eventhough the learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner has been convicted in a similar crime, he fairly conceded that no final report has been filed against the petitioner despite the fact that he has been in judicial custody for more than 60 days. If so, by virtue of the proviso to sec.167 (2) Cr.P.C. the petitioner is entitled to be released on bail as of right.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-I, Kasaragod, and subject to the following conditions:

a. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. Petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

c. Petitioner shall make himself available for interrogation as and when required by the investigating officer.

d. Petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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